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*Attorneys for Appellee*  
*PNC Mortgage, a division of PNC Bank, N.A.*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

In re:

CARLTON E. GRAHAM and  
HYACINTH A. GRAHAM,  
Debtors.

USDC Case No. 2:15-cv-00325-RFB

Case No. BK-S-12-13537-BTB

Chapter 13

CARLTON E. GRAHAM and  
HYACINTH A. GRAHAM,

Appellants.

**MOTION TO EXTEND TIME TO  
FILE ANSWERING BRIEF**

**(FIRST REQUEST)**

v.

PNC MORTGAGE, a division of PNC  
Bank, N.A.,

Appellee.

1 Appellee PNC Mortgage, a division of PNC Bank, N.A. (“**PNC Bank**”),  
2 pursuant to LR 6–1, moves this Court for entry of an order, substantially in the form  
3 attached as **Exhibit 1**, extending the time for PNC Bank to file its answering brief.  
4 In support hereof, PNC Bank respectfully states as follows:

5 1. In this appeal, appellants Carlton and Hyacinth Graham (collectively,  
6 “**Debtors**”) seek this Court’s review of four orders that were entered by the U.S.  
7 Bankruptcy Court, District of Nevada on February 13, 2015: (a) Order Granting  
8 Motion for Relief from the Automatic Stay (California Property); (b) Order  
9 Granting Motion for Relief from the Automatic Stay (Nevada Property); (c) Order  
10 Denying Debtors’ Motion to Declare PNC Mortgage, a Division of PNC Bank, N.A.  
11 an Unsecured Creditor; and (d) Order Overruling Debtors’ Objection to Claim 19-1  
12 of PNC Mortgage (collectively, the “**Orders**”).

13 2. On March 13, 2015, this Court entered a briefing schedule that required  
14 Debtors’ opening brief to be filed on or before March 30, 2015, and PNC Bank’s  
15 answering brief to be filed on or before April 16, 2015. (ECF No. 4)  
16 The Court’s briefing schedule also stated that PNC Bank’s answering brief is due  
17 14-days after Debtors filed and served their answering brief. (*Id.*)

18 3. Debtors filed their opening brief on March 25, 2015. (ECF No. 5)  
19 Thus, PNC Bank’s answering brief is either due April 13, 2015 (14-days after  
20 Debtors filed and served their opening brief), or April 16, 2015 (as stated in the  
21 Court’s briefing schedule). However, for the reasons set forth below, PNC Bank  
22 respectfully requests that it be allowed to file its answering brief on or before  
23 Thursday, April 23, 2015.

24 4. Debtors’ opening brief neither complies with Rule 8014 of the Federal  
25 Rules of Bankruptcy Procedure, nor this Court’s order entered on March 13, 2015.  
26 Specifically, Debtors’ opening brief does not contain, among other things, (a) a  
27 jurisdictional statement, (b) statement of issues; (c) concise statement of the case;  
28 and (d) summary of argument. In addition, Debtors did not file an appendix of

1 excerpts of record. PNC Bank will therefore need to prepare an appendix of  
2 excerpts of record, and include a jurisdictional statement, statement of issues, and  
3 statement of case in its answering brief. Thus, based on Debtors' noncompliance,  
4 PNC Bank will need additional time to prepare an appropriate answering brief that  
5 complies with Rule 8014 of the Federal Rules of Bankruptcy Procedure and this  
6 Court's order.

7       5. In addition to adequately responding to Debtors' opening brief and  
8 compliance with the applicable rules, PNC Bank's undersigned counsel has  
9 significant other professional commitments, including (a) drafting a dispositive  
10 motion in connection with a swaps derivatives case in the *Lehman Brothers*  
11 bankruptcy pending before the U.S. Bankruptcy Court for the Southern District of  
12 New York, (b) drafting an answering brief for an appeal pending before the U.S.  
13 Court of Appeals for the Ninth Circuit, (c) drafting various motions in connection  
14 with a nationwide remediation project for a large financial institution that  
15 inadvertently disclosed certain personal identifying information, and (d) drafting  
16 numerous motions in limine in connection with a case that is set for a jury trial in  
17 June, that has made it difficult for him to prepare PNC Bank's answering brief  
18 within the current time frames set forth in this Court's briefing schedule.

19       6. PNC Bank has not previously requested an extension of time.

20       7. Although PNC Bank's undersigned counsel has (and will continue to)  
21 act diligently in complying with the current schedule, his obligations pending in the  
22 matters described above make it necessary to obtain the requested extension in this  
23 case. If the extension is granted, PNC Bank will file its brief within the time  
24 requested.

8. Therefore, due to PNC Bank's undersigned counsel's diligence and substantial need for an extension, PNC Bank's requests that this Court enter an order extending the time for PNC Bank to file its answering brief.

Dated: April 13, 2015

s/ Jon T. Pearson

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*Attorneys for Appellee  
PNC Mortgage, a division of PNC Bank, N.A.*

**CERTIFICATE OF MAILING**

I hereby certify that on April 13, 2015, and pursuant to Fed. R. Civ. P. 5(b), a true and correct copy of the foregoing, was electronically filed and served to the following in the manner set forth below:

Carlton E. Graham  
Hyacinth A. Graham  
2706 Riceville Drive  
Henderson, NV 89052

- ☐ HAND DELIVERY
- ☐ E-MAIL TRANSMISSION VIA CM/ECF SYSTEM
- ☒ U.S. MAIL, POSTAGE PREPAID
- ☐ Certified Mail, Receipt No. \_\_\_\_\_  
Return receipt requested

s/ Sarah Walton  
An employee of BALLARD SPAHR LLP

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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

In re:

CARLTON E. GRAHAM and  
HYACINTH A. GRAHAM,  
  
Debtors.

USDC Case No. 2:15-cv-00325-RFB  
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Chapter 13

CARLTON E. GRAHAM and  
HYACINTH A. GRAHAM,  
  
Appellants.

**ORDER**

v.

PNC MORTGAGE, a division of PNC  
Bank, N.A.,  
  
Appellee.

Upon consideration of the Motion to Extend Time to File Answering Brief  
(the “**Motion**”) filed by appellee PNC Mortgage, a division of PNC Bank, N.A.  
(“**PNC Bank**”) on April 13, 2015, and good cause appearing,

**IT IS HEREBY ORDERED** that:

1. The Motion is granted;
2. The deadline for PNC Bank to file its answering brief shall be extended  
to April 23, 2015; and

1           3. Debtors' reply brief shall be filed no later than 14-days after PNC Bank  
2 files and serves its answering brief.

3           **IT IS SO ORDERED.**

4           Dated: April 16th, 2015.

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8 RICHARD F. BOULWARE, II  
9 United States District Judge  
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